

REPORT OF: PLANNING, BUILDING CONTROL AND LICENSING MANAGER
TO: EXECUTIVE
DATES: 28TH MAY 2015

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16 MOSLEY STREET, BARNOLDSWICK

PURPOSE OF REPORT

To inform Committee of their options to seek the repair of the building.

RECOMMENDATIONS

1. That the Executive authorise the compulsory purchase of the property but that the CPO should not be pursued further should an owner be identified.
2. That a supplementary capital amount of £5,000 be identified for the works required in a S79 Notice.
3. A reserve of £25,000 be made to cover the costs of an owner coming forward after a CPO is made.

REASONS FOR RECOMMENDATION

1. In order to bring the building into an acceptable state of repair.
2. In order to provide the necessary finance to cover the costs of the Section 79 works.
3. In order to cover the costs of an owner coming forward.

ISSUE

1. A report was taken to the Executive in March 2015. The following resolution was made:
 - (1) *That further investigations be undertaken regarding the registration of the property in the land registry.*
 - (2) *That the issue of probate be pursued further to try and establish if there was a lawful owner of the property.*
 - (3) *That Liberata Property Services be asked to draw up a schedule of works for the property as a matter of urgency.*
 - (4) *That a report be submitted to the next meeting on options for serving a Section 79 Building Notice and the implications of compulsory purchasing the property.*
 - (5) *That options for the re-occupancy of the property be considered and included in the report.*

2. Legal Services have pursued the registration of the property and have looked at whether there is any outstanding probate. Nothing further has emerged from this further work. The current status is that the property is not registered and there is no known lawful owner.
3. Liberata have prepared a schedule of works for the property and have valued it. The schedule of works goes beyond that which is necessary in order for the Council to serve a Notice under Section 79 of the Building Act 1984. The full schedule of works includes details of what would be necessary to bring the property back to an acceptable standard for someone to occupy. The costs of renovating the property to such a condition will affect its value.
4. The property is valued at £25,500. This includes an estimated repair and renovation cost of £59,500.

Section 79 of the Building Act 1984 Notice – Ruinous and Dilapidated Building

5. The Act provides for buildings that are in a ruinous or dilapidated state to be required to be repaired in accordance with the schedule in a Notice. There is also the option for the owner to demolish the building under this section.
6. The work that can be required to be undertaken can only relate to those that would bring the property back into a basic acceptable condition. In this case, although the full renovation of the building would include items such as a full internal strip out, replacing joinery such as skirting boards etc., the works required to bring the building back to an acceptable condition would comprise of:
 - Repairing the flat roof of the outbuilding.
 - Repairs to the steelwork in the front elevation.
 - Repairs to guttering
 - Pointing
7. Works required to be undertaken under this section only relate to the minimum required to bring the structure back to a condition where it is not in a ruinous or dilapidated state. This would not include full-re-installment of the internal features or remedying internal faults.
8. The cost of undertaking the repairs to the extent of complying with a Section 79 Notice would be circa £5,000. The capital would not be able to be reclaimed unless the property was sold. As there is no known owner there is no current prospect of the property being sold. The property would only be repaired in the short term and would decline in time with no maintenance being undertaken to it.

Compulsory Purchase

9. The property is in a poor condition and could be compulsorily purchased under the provisions of Section 17 of the Housing Act 1985. CPOs can be undertaken on properties where there is no known owner. The compensation provisions are the same as for other CPOs except that the Council would not actually pay anyone for the purchase. The capital for the purchase would need to be held in an account for 12 years in case someone claims the property in that period.
10. Any claim to the property could also challenge the level of compensation for the CPO. That would ultimately be determined by a Lands Tribunal. The assessed value of the property is £25,500.

IMPLICATIONS

Policy	None
Financial	The cost of either repairing the building or compulsorily purchasing it will have to be financed. The CPO costs would be an unrecoverable expense. The costs of purchasing the property would be zero unless an owner comes forward.
Legal	None arising directly from the report.
Risk Management	None arising directly from the report.
Health and Safety	None arising directly from the report.
Sustainability	None arising directly from the report.
Community Safety	None arising directly from the report.
Equality and Diversity	None arising directly from the report.